



## MEMORANDUM

GOE

AGENDA ITEM NO. 2 (R)

**To:** Honorable Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**Date:** February 10, 2004

**From:** George M. Burgess  
County Manager

**Subject:** Proposed Ordinance  
pertaining to Zoning  
Amending the GU, Interim  
District, Regulations

### RECOMMENDATION

It is recommended that the Board of County Commissioners adopt the attached proposed ordinance pertaining to zoning to amend Section 33-196 of the Code of Miami-Dade County for the purpose of amending the GU, Interim Zoning District, regulations to clarify "trend of development" and to permit EU-1, Single Family One-Acre Estate Residential Zoning District, uses in the GU district where certain tentative plats were previously approved. The purpose of this proposed amendment, in part, is to clarify that the Director is governed only by the predominant classification of usage within the GU district boundaries of the particular neighborhood and not those areas outside GU district boundaries.

### BACKGROUND

Currently, the GU district regulations require that if a particular neighborhood zoned GU is predominantly one classification of usage, the Director of the Department of Planning and Zoning is then governed by the regulations for that class of usage in determining the appropriate zoning standard regulations to the neighborhood. If on the other hand the Director finds that there is no predominant classification of usage or "no trend of development" the zoning standards of the EU-2, Single Family Five Acre-Estate District, regulations are applied. In certain instances lots smaller than 5 acres, as required by the EU-2 district regulations, are deemed grandfathered in accordance with the provisions of the GU district regulations. Such grandfather provisions authorize the use of smaller one-acre lots created by certain real estate transactions or platting activities prior to April 12<sup>th</sup>, 1974 (the effective date of the GU district ordinance).

The proposed amendment would also reformat and clarify the current grandfather provisions of the GU district regulations and include a new grandfather provision. The new grandfather provision would authorize the use of smaller lots created by similar platting activities involving the approval of tentative plats prior to April 12<sup>th</sup>, 1974 in which each lot met the minimum standards of the EU-1 district regulations and further provided such tentative plat was not superseded by any other plat or tentative plat after April 12, 1974. This new grandfather provision would legalize unique subdivisions such as "Bonanza Ranch Estates" in South Miami-Dade County.

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Attachment

Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D. **DATE:** October 21, 2003  
and Members, Board of County Commissioners

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 13 (M)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 13(M)

Veto \_\_\_\_\_

10-21-03

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-196 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO GU INTERIM ZONING DISTRICT; CLARIFYING "TREND OF DEVELOPMENT"; PERMITTING EU-1 ESTATE RESIDENTIAL ZONING DISTRICT USES IN THE GU INTERIM ZONING DISTRICT WHERE CERTAIN TENTATIVE PLATS WERE PREVIOUSLY APPROVED; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 33-196 of the Code of Miami-Dade County, Florida is hereby amended as follows:<sup>1</sup>

**Sec. 33-196. Standard for determining regulations to be applied.**

If a neighborhood in >> ~~the~~ << GU District is predominantly one (1) classification of usage, the Director shall be governed by >> ~~the~~ << regulations for that class of usage in determining the standard zoning regulations to be applied, including setbacks, yard areas, type of structures, height, limitations, use, etc. For the purposes of this section, "trend of development" shall mean the use or uses which predominate in adjoining properties >> within the GU District << which because of their geographic proximity to the subject parcel make for a compatible use. The Director shall be guided in determining what constitutes a neighborhood by limiting her evaluation to separate geographic areas which may be designated by natural boundaries (rivers, canals, etc.) and/or man-made boundaries (roads, full- and half-section lines, etc.). The Director's decision shall be subject to appeal pursuant to the provisions of Section 33-311 of the Code. If no trend of development has been established in the >>GU<< neighborhood, minimum standards of the EU-2 District shall be ~~[[complied with]]~~ >>applied<<.

<sup>1</sup> Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

>> Notwithstanding the foregoing, certain platting activity occurring prior to April 12, 1974, which created lots meeting the minimum requirements of the EU-1 District on April 12, 1974, shall qualify such lots for those uses permitted in the EU-1 District. These platting activities are:

- (a) plats recorded prior to April 12, 1974; and
- (b) tentative plats approved as of April 12, 1974 and finally approved and recorded within ninety (90) days after such approval; and
- (c) plats for which a tentative plat was approved prior to April 12, 1974, if each lot in the approved tentative plat met the minimum standards of the EU-1 District, provided that no other plat or tentative plat for the subject property was approved after April 12, 1974; and

Parcels, other than the aforementioned platted lots or tentatively approved plat lots, that prior to April 12, 1974 were purchased under a contract for deed or deeded and met the minimum requirements of the EU-1 District shall be qualified for those uses permitted in the EU-1 District. However, if such deeded parcels were contiguous to and under the same ownership on April 12, 1974, and such deeded contiguous parcels are less than the five acre minimum site size of the EU-2 District, but exceed the minimum standards of the EU-1 District, such property shall be considered as one parcel of land and cannot be divided or used except as one lot.<<

~~[[Lots platted prior to the effective date hereof, or lots for which tentative plats have been approved as of the effective date hereof and finally approved and recorded within ninety (90) days of the effective date hereof, or lots purchased under a contract for deed or deeded prior to the effective date of the ordinance, shall comply with the minimum standards of the EU 1 District; provided, however, if contiguous property of more than the minimum area required herein but less than the minimum required by the EU 2 Zone, is under one (1) ownership on April 12, 1974, such property shall be considered as one (1) parcel of land and cannot be divided or used except as one (1) lot.]]~~

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

**Section 5.** This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

RAG

Prepared by:

RZK

Robert L. Krawcheck

